

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

v.

CARROLL ELLIS HAYES

§
§
§
§
§
§
§
§

CASE NUMBER 1:18-CR-00085-MAC

**REPORT AND RECOMMENDATION ON
THE DEFENDANT'S COMPETENCY TO STAND TRIAL**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas, this criminal proceeding is before the undersigned United States magistrate judge.

The Defendant filed motions seeking a psychiatric or psychological exam to determine if the Defendant was suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and the court granted those motions. (Doc. Nos. 24, 25, 27, 29, 30, 32.) The Defendant was subsequently evaluated by Gerald E. Harris, Ph.D. and Lisa Bellah, Ph.D., and found competent.

Dr. Harris and Dr. Bellah both found in their psychiatric reports that the Defendant does not appear to suffer from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense. (Doc. Nos. 44, 45.)

A competency hearing was conducted on January 22, 2020. At the hearing, the Defendant appeared in court with his counsel, Robert Loper. Robert Loper did not present any

objections to Dr. Harris' or Dr. Bellah's opinions on competency. Neither party objected to the admissibility of the psychological reports detailing the results and findings, therefore, the court admitted them both into evidence under seal.

The undersigned concludes that the Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense. The Defendant has a rational and factual understanding of the proceeding against him, and has sufficient present ability to consult with his attorney with a reasonable degree of rational understanding. 18 U.S.C. § 4241(d); *see also Dusky v. United States*, 362 U.S. 402 (1960)

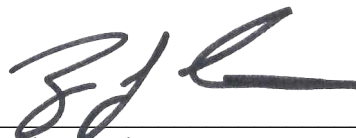
RECOMMENDATION

The court should find the Defendant competent to stand trial because he understands the nature and consequences of the proceeding against him and is able to assist in his defense. *See* 18 U.S.C. § 4241. It is further recommended that the speedy trial time be excluded from August 21, 2019 (the date the Defendant filed his first Motion for Psychiatric Exam), until the date on which the District Judge signs the order adopting this report and recommendation.

OBJECTIONS

At the close of the competency hearing, the Defendant, defense counsel, and counsel for the government each waived their right to object to the proposed findings and recommendations contained in this report and consenting to the finding of competency in this report. Therefore, the court may act on this report and recommendation immediately.

SIGNED this 22nd day of January, 2020.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn

2 United States Magistrate Judge